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3. A section of the drain at site of the bridge with water levels noted thereon and a tracing showing the catchment area are sent herewith.

4. The catchment area is nearly 33 square miles which is purely in deltaic country; consequently the discharge will be (D = C.M. 4/5 where C = 500) 8,200 cusecs which can be drained easily through the ventway of the bridge when there is no backing up of sea water.

5. Owing to the high tidal action and backing up of sea water during north-east monsoon, the drainage water through this bridge cannot easily be drained and this difficulty is not therefore due to the insufficient waterway of the bridge.

6. Though the bridge is widened it cannot improve matters as long as there is high tidal action and backing up of sea water. There is no necessity for altering the waterway of the existing bridge.

APPENDIX III.

[Vide answer to question No. 1410 asked by the Zamindar of Gollapalli at the meeting of the Legislative Council held on the 25th January 1928, page 237 supra.]

Endorsement by L. H. Greg, Esq., Superintending Engineer, Bezwada Circle, No. 427-M., dated 8th June 1927.

[Memorial of the ryots, Kistna district, regarding proposing a high level canal from the river Kistna on the left side.]

It has been assumed by the petitioners that the top level of the recently fixed falling shutters being 53·00 the water level at the point *A* which is some 12 miles above the site of the Bezwada anicut will be about 65·00 allowing a surface fall of about 1 foot per mile and that assuming depth of 3 feet of water above this level 65·00 the water level at *A* would be 68·00.

This assumption is not correct as the water level deduced from surface fall only from the top of shutter level could be expected except when all the shutters were down and this would only be the case when there was a flood in the river.

This is owing to the fact that the falling shutters are not designed for overflow, so that when any of the shutters are up, the river level has to be adjusted to be below the top of the shutters.

During the last year in June and November all the shutters were up for 29 and 27 days, respectively, so that no water would have been surplus in these two months for any new extension.

In these two months the water-supply to Divi Island has to be curtailed though water for Divi was badly wanted, as water would have been wasted uneconomically from its more legitimate use for the Eastern and Western deltas irrigation.

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A portion of the shutters were up for the following number of days in the season :—

July	18 days.
August	...
September	1 day.
October	26 days.

The memorial proposes an open cut from the river with a channel three to four miles in length before crossing the Kistna river flood bank. This also introduces a questionable factor, as, with the shifting shoal and bed conditions in the Kistna it cannot be known how long the open cut would be effective or how often the channel would become silted up under flood conditions and require clearance and the cutting of shoals and the doing possibly of koramboo work which might be a continual source of trouble and heavy expense.

It is also stated that the channel proposed would also serve the purpose of carrying down the flood water of the Budameru. It need only be pointed out, however, that the channel required would only have to carry some 500 cusecs whereas the Budameru when in flood may bring down some 50,000 cusecs so that this suggestion is of no practical value.

In paragraph 7 of the memorial it has also been suggested that a channel might be excavated from near Velavadam to carry some of the flood water of the Budameru to the Brahmayalingam and other tanks lower down.

This proposal is not possible as the point from which this channel has been proposed to take off comes between two 100 feet contours and the channel would have to cross a 200 feet saddle while the terminal point is above the 150 feet contour.

In addition to a highway bridge across the Hyderabad road and a head sluice in the Kistna river flood bank, an undertunnel would be required to take the channel under the railway and also an undertunnel to discharge the Budameru waters under the proposed channel. This latter would be a very costly work in view of the vast quantity of water brought down the Budameru in times of flood.

The continuation of the channel runs across many drainage lines and a large number of cross drainage works would be required to deal with these drainages.

There would also be a number of bridges to carry cart tracks.

The question of dealing with the Budameru floods has been frequently investigated and in G.O. No. 97 I., dated 8th March 1912, the Government passed orders as follows :—" The question of mitigating the floods in the Budameru by construction of a reservoir or other means has been carefully considered and found impracticable at reasonable cost."

At present an investigation is being made into the possibility of running what is known as a 'short crop' in the months of July, August and September, in the Kistna Eastern delta where there are thousands of acres available by the excavation of the Bank canal provided water is available.

For this reason and for the reasons adduced showing the very great difficulties involved and the very costly nature of the works required to carry out the scheme, the proposals of the petitioners cannot be accepted.

Appendix IV.

[Vide answer to question No. 1421 asked by Syed Ibrahim Sahib Bahadur at the meeting of the Legislative Council held on the 25th January 1928, page 245 supra.]

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Ordinary Original Civil Jurisdiction.

Monday, the 1st day of December 1913.

The Hon'ble Mr. Justice Wallace.

No. 286 of 1912.

Between

Khaji Hafiz Abdul Aziz ... ... Plaintiff

and

Muhammad Azimuddin Sahib and another ... Defendants.

Judgment.—This is a suit brought by the plaintiff for a declaration that certain properties are properties of the Eadga Mosque, that the plaintiff is the Muthavalli and Peishimam of the said mosque and charities; for an account of the properties which have come into the hands of the defendants; for an injunction restraining the defendants from interfering with the collection of rents of the properties; for possession of the suit properties; and for a declaration of the title of the plaintiff to a sum of Rs. 3,570 invested in Government securities.

The plaintiff in this case is a younger son of Khazi Hammid-ud-din, and the first defendant is an elder son of Khazi Hammid-ud-din and the second defendant is a nephew of Khazi Hamid-ud-din. Khazi Hammid-ud-din died in 1901 at the age of 80 and some years previously had succeeded to his brother Gulam Muhammad, and Khazi Hammid-ud-din filled the office of Khazi and also managed the affairs of the Eadga Mosque. It appears from a deed which has been exhibited in this case that at the end of the 17th century certain land in Muthialpet, Georgetown, was granted to the ancestor of these parties who was then described as Khazi of Chennapatnam and this land was originally intended for the holding of certain festivals twice a year—Baqar-Id and Ramzan; and about the middle of last century the last Nawab of the Carnatic erected a large mosque on this land and, as I have said, Gulam Muhammad and then Hammid-ud-din continued to discharge the office of Khazi and also to manage the affairs of this mosque and charity down to the time of their deaths.

The chief question in this case is as to who is entitled to the office of Muthavalli or superintendent of this mosque. According to the plaintiff, the office had been in his family and he was appointed to it by his father shortly before his death. According to the defendant, this office was attached to the office of Khazi of Chennapatnam, and it is contended for the defendants that the office of the Khazi of Chennapatnam devolved upon the second defendant after the death of Hammid-ud-din in 1901. Now it is not altogether easy to ascertain what happened with regard to this mosque, but some light is thrown upon the case by the evidence of the last witness for the defence who is a younger brother of plaintiff and the first defendant.

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He says that his father arranged that he should be succeeded as Khazi by the second defendant, that the plaintiff was to be Peishimam and Kathib of the mosque, that is to say, to manage the prayers there, and that he himself was to succeed his father in the school which the father had maintained. This leaves the first defendant unprovided for, who was the eldest son. The first defendant had been in the municipal office and the most extraordinary feature of this case is that the first defendant was allowed for a large number of years to remain in possession of most of the mosque property although he does not claim to have succeeded to it by any legal title. The story—a story which is absurd upon the face of it—is put forward in the written statement of the second defendant, which was accepted by the first defendant, that certain taxes were owing for this land to the municipality and that the first defendant undertook to pay them in consideration of his being left in possession of the land, to pay himself, out of the rents and profits. But the rents and profits of the land, even supposing there was such a bill at one time, would have been altogether far too large to be accounted for in this manner. The written statement alleges that the balance was paid over to the second defendant who claims to have succeeded to the office of Muthavalli as attached to the Khaziship, but no accounts have been produced by the first or second defendant to bear this out and the second defendant's counsel did not venture to put the first defendant into the box and his own evidence as to this is altogether unsatisfactory. It is not desirable to speculate in this case but it has occurred to me that it may possibly be that the old father had arranged that the first defendant was to be provided for by enjoying these revenues. However that may be, it cannot affect the present case. I hold on this part of the case that the second defendant has altogether failed to prove that he ever came into possession of any part of the revenues of the endowment. There is evidence, also, that when on one occasion he was asked to pay taxes he refused to do so. He said that it had nothing to do with him and that the taxes were not paid until his name was struck out of the application. In the written-statement of the second defendant it is said that the second defendant had constituted the first defendant a co-trustee of the mosque with himself. He had no power to do so. What appears clearly is that when the municipality decided to run a street through part of the mosque and compensation in respect of this became payable, the first and second defendants represented themselves as trustees of the mosque and endeavoured to get hold of the compensation, and that the plaintiff resisted this and set up his title to this amount as being the Muthavalli. It is quite clear that this compensation was the origin of the whole litigation and as far as we can see everybody would have been content to let the existing state of things go on if no such question had arisen.

Now as to the respective claims of the plaintiff and the second defendant to the office of Muthavalli, the evidence is that the superintendence or dawliyat or office of Muthavalli though the latter expression was not used of this mosque, remained from the first in the family of these people. In 1691 their ancestor is described as Khazi of Chennapatnam, but certain documents have been exhibited here, certain old records which are also set out and referred to in Colonel Love's book "Vestiges of Old Madras," which show that about 1770 a dispute arose between a member of this family and one Kajee Abu Backer as to which of them was entitled to be Khazi of Madras and which of them was entitled to a certain jaghir which had been granted by Anwaruddin earlier in the century and that question was decided

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adversely to this family. And I hold that it is not proved that the second defendant was Khazi of Chennapatnam. There is evidence on his side that this jaghir was claimed by him, but on the failure of Abu Backer's heirs it did not go to him but to some other Khazi who is known as Government Khazi. With regard to this office of Khazi it would seem that, as I have said before, a Khazi was appointed for Madras by the Nawab Anwaruddin and a member of Abu Backer's family was recognized as Khazi of Madras by the East India Company about 1770 as recorded in Colonel Loves' book and there is said to be at the present day a person who is styled 'Government Khazi'. But it is in evidence that at the present day there are many Khazis in Madras and that anybody can act as a Khazi who can get Muhammadans to recognize him as such and to avail themselves of his services as Khazi. According to the evidence there are no less than four Khazis in Georgetown. Both the plaintiff and the second defendant sought to prove that each had succeeded Hamid Uddin as Khazi. On this part of the case I think the advantage rests with the second defendant who proved that he had, long before the death of Hamid Uddin at the age of 80, fulfilled all the functions of Khazi and that he was accepted, after Hamid Uddin's death by the congregation, that is, by the people assembled at the funeral as Khazi. The plaintiff also gave some evidence, which I am unable to accept, that he was also appointed at the funeral of Hamid Uddin. But he produced registers which showed that he had also acted as Khazi and that a considerable number of people availed themselves of his services as Khazi, and he produced the register which he kept as Khazi and there was other evidence that he was known as Khazi. Both the plaintiff and the second defendant are known respectively as Khazi Hafiz Abdul Aziz and Khazi Muhammad Faziuddin Sahib. The second defendant however has, in my opinion, failed to prove, either that he is entitled to the office of Khazi of Chennapatnam if such office exists at the present day, or that this, the superintendence of this charity, was attached to the office of Khazi. The superintendence of the endowment seems, admittedly, to have been always in this family and, so far as the evidence goes, the members of this family also discharged the functions of Khazi. But that is a very different thing from saying that the superintendence of the charity was in any way annexed to the office of Khazi, and the conduct of the second defendant, which I have already alluded to, in taking no part in the affairs of the charity until this Rs. 3,000 compensation turned up, shown in my opinion that he never affected to have any connexion with this endowment until this question arose.

Now it remains to be considered whether the plaintiff has established his title to the office of Muthavalli, that is to say to the superintendence of the charity. The evidence is that during his father's lifetime he acted as Peishimam and Kathib of the mosque and that since his death he has been in the charge of the mosque. He has erected certain buildings on the mosque property and been in receipt of the rents from those properties though he has not been in receipt of the suits of the other properties which remained in possession of the 1st defendant It is shown that all the improvements and additions which have been made to the structure have been made with his assistance and under his direction; and it is not shown that any one else has been in management of the charity. An endeavour was made on the part of the defendants to show that the mosque was distinct from the Eadga, but that has altogether failed. What appears is that about